

1 HOUSE BILL NO. 37

2 INTRODUCED BY COBB

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE POSSESSION AND TRANSPORTATION OF
 5 BIGHORN SHEEP HORNS WITH A SKULL OR PORTION OF A SKULL ATTACHED AND BONES TAKEN
 6 FROM A BIGHORN SHEEP THAT HAS DIED FROM NATURAL CAUSES AND THAT HAS NOT BEEN
 7 UNLAWFULLY OR ACCIDENTALLY KILLED; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND
 8 PARKS TO REQUIRE REGISTRATION AND TAGGING OF THE BIGHORN SHEEP HORNS; ALLOWING THE
 9 DEPARTMENT TO CHARGE A FEE FOR THE REGISTRATION AND THE TAG; AND AMENDING SECTION
 10 87-3-111, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
 14 **Section 1.** Section 87-3-111, MCA, is amended to read:

15 **"87-3-111. (Temporary) Unlawful to buy, sell, possess, or transport fish or game -- exceptions**
 16 **-- penalties.** (1) It is unlawful for a person to purchase, sell, offer to sell, possess, ship, or transport any
 17 game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof protected
 18 by the laws of this state, whether belonging to the same or a different species from those that are native
 19 to the state of Montana, except as specifically permitted by the laws of this state.

20 (2) The provisions of this section do not prohibit:

21 (a) the possession or transportation within the state of any legally taken game fish, game bird,
 22 migratory game bird, game animal, or fur-bearing animal or part thereof;

23 (b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds,
 24 game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount
 25 of a grizzly bear is prohibited, except as provided in 87-3-110;

26 (c) (i) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with
 27 a skull or portion of a skull attached from a game animal that has died from natural causes and that has not
 28 been unlawfully or accidentally killed; or

29 (ii) the possession or transportation of the horns with a skull or portion of a skull attached from
 30 a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed;

1 (d) the possession, transportation, sale, or purchase of the bones of an elk, antelope, moose, or
 2 deer or the possession or transportation of the bones of a bighorn sheep that has been lawfully killed or
 3 that has died ~~of~~ from natural causes; or

4 (e) the donation and sale of paddlefish roe as caviar under the provisions of 87-4-601.

5 (3) This section does not allow the sale or purchase of bighorn sheep horns or bones taken from
 6 a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed.

7 (4) The department may:

8 (a) require that the horns of a bighorn sheep that has died from natural causes be registered with
 9 the department and that a tag be kept with the horns;

10 (b) require that any changes in ownership of the horns be registered with the department; and

11 (c) charge a fee for the registration and tagging of the horns.

12 ~~(3)~~(5) It is unlawful for a person to possess or transport live fish away from the body of water in
 13 which the fish were taken, except:

14 (a) as provided in Title 87, chapter 4, part 6, or as specifically permitted in the laws of this state;

15 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
 16 imposed by the commission; or

17 (c) within and along the boundaries of the eastern Montana fishing district, as established by the
 18 1994-95 commission regulations.

19 ~~(4)~~(6) A person violating any of the provisions of this section is guilty of a misdemeanor and upon
 20 conviction shall be punished as provided in 87-1-102. (Terminates June 30, 2003--sec. 2, Ch. 196, L.
 21 1993.)

22 **87-3-111. (Effective July 1, 2003) Unlawful to buy, sell, possess, or transport fish or game --**
 23 **exceptions -- penalties.** (1) It is unlawful for a person to purchase, sell, offer to sell, possess, ship, or
 24 transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof
 25 protected by the laws of this state, whether belonging to the same or a different species from those that
 26 are native to the state of Montana, except as specifically permitted by the laws of this state.

27 (2) The provisions of this section do not prohibit:

28 (a) the possession or transportation within the state of any legally taken game fish, game bird,
 29 migratory game bird, game animal, or fur-bearing animal or part thereof;

30 (b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds,

1 game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount
2 of a grizzly bear is prohibited, except as provided in 87-3-110;

3 (c) (i) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with
4 a skull or portion of a skull attached from a game animal that has died from natural causes and that has not
5 been unlawfully or accidentally killed; or

6 (ii) the possession or transportation of the horns with a skull or portion of a skull attached from
7 a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed;
8 or

9 (d) the possession, transportation, sale, or purchase of the bones of an elk, antelope, moose, or
10 deer or the possession or transportation of the bones of a bighorn sheep that has been lawfully killed or
11 that has died ~~of~~ from natural causes.

12 (3) This section does not allow the sale or purchase of bighorn sheep horns or bones taken from
13 a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed.

14 (4) The department may:

15 (a) require that the horns of a bighorn sheep that has died from natural causes be registered with
16 the department and that a tag be kept with the horns;

17 (b) require that any changes in ownership of the horns be registered with the department; and

18 (c) charge a fee for the registration and tagging of the horns.

19 ~~(3)(5)~~ It is unlawful for a person to possess or transport live fish away from the body of water in
20 which the fish were taken, except:

21 (a) as provided in Title 87, chapter 4, part 6, or as specifically permitted in the laws of this state;

22 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
23 imposed by the commission; or

24 (c) within and along the boundaries of the eastern Montana fishing district, as established by the
25 1994-95 commission regulations.

26 ~~(4)(6)~~ A person violating any of the provisions of this section is guilty of a misdemeanor and upon
27 conviction shall be punished as provided in 87-1-102."

28

29 **NEW SECTION. Section 2. Name change -- directions to code commissioner.** Wherever a
30 reference to "mountain sheep" appears in the Montana Code Annotated or in legislation enacted by the

1 55th legislature, the code commissioner is directed to change it to "bighorn sheep".

2 END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0037, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


An act allowing the possession and transportation of bighorn sheep horns with a skull or portion of a skull attached and bones taken from a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed; allowing the Department of Fish, Wildlife and Parks to require registration and tagging of the bighorn sheep horns; and allowing the department to charge a fee for the registration and the tag.

ASSUMPTIONS:

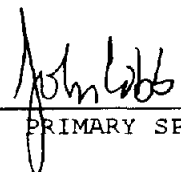
1. Approximately 15 bighorn sheep heads will be presented annually for registration. Each will require one hour of a field warden's time for plugging and registration.
2. Two of the 15 heads will require field investigation. Each investigation will require six hours of a field warden's time.
3. Ownership registration will be maintained by Helena office staff and require five hours annually.
4. The department will not charge a fee for tagging and registration.
5. The department will redirect the time and budgets of game wardens and field biologists to meet this added duty.

FISCAL IMPACT:

None

 1-6-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JOHN COBB, PRIMARY SPONSOR DATE
Fiscal Note for HB0037, as introduced

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